As EPA has indicated in earlier emails, the collection of stormwater is neither strictly a source control task nor is it strictly an in-water RI/FS task. Rather, the collection of some stormwater data can serve both purposes. From a source control perspective, the data is necessary to characterize stormwater to get the information necessary to determine whether source control is required. From an in-water RI/FS perspective, the data is necessary to support the contaminant fate and transport evaluation and food web model and help determine site specific cleanup levels for the Portland Harbor site. In general, these data needs can be expressed by the following three data quality objectives (DQOs):

- DQO 1- contribution to water column risk
- DQO 2- contribution to sediment risk
- DQO 3- source tracing

DQOs 1 and 2 are shared by the source control program and the in-water RI/FS. DQO 3 is strictly a source control DQO. EPA, DEQ and the LWG recognized the shared value of stormwater information generated to address DQOs 1 and 2 when the Administrative Order on Consent (AOC) was crafted for the in-water RI/FS. The AOC states:

> *"EPA and DEQ have agreed to share responsibility for investigation and cleanup of the Site. DEQ has the lead responsibility for conducting upland work necessary for source control, and EPA is the Support Agency for that work, consistent with the role of Support Agency as set forth in the NCP."*

This concept is also reflected in the Scope of Work attached to the AOC:

> *"This ISA [Initial Study Area] does not include upland sources of contamination being investigated or cleaned up pursuant to ORS 465 as implemented by DEQ."*

EPA and its Partners (including DEQ) further formalized this in their Memorandum of Understanding for Portland Harbor site:

> *"Section IV, A.- Upland Portion of the Site: DEQ is designated Lead Agency. EPA will be the Support Agency."* and,
>
> *"Section IV, F.1.- Uplands Source Control. DEQ and EPA will jointly develop a source control strategy. The strategy will define a process for identifying and controlling potential sources of contamination, including but not limited to:*
> *a. Hazardous Substance Releases at upland sites*
> *b. NPDES discharges*
> *c. Stormwater discharges*
> *d. Upstream sources"*

In an effort to keep the in-water RI/FS on schedule, the LWG, EPA and DEQ developed a list of sites (attachement A) and specific sampling methodologies (Attachment B) that could be implemented in water-year 2006-2007. A field sampling plan will be developed collaboratively over the next month that describes in greater detail this stormwater

sampling program. It is undetermined at this time who will actually conduct this stormwater sampling.

The results of this stormwater sampling effort, along with the previously approved LWG far-field stormwater sampling program, should be adequate to address DQOs 1 and 2 for the in-water RI/FS. EPA expects that future stormwater sampling to be implemented during the 2007/2008 water year will be focused on the additional characterization necessary to support the need for source control and will be collected by upland parties under DEQ oversight. However, EPA recognizes that the Comprehensive Round 2 Site Summary and Data Gaps Analysis Report and preliminary results from the hybrid fate and transport model may identify additional in-water RI/FS data gaps related to far-field stormwater sampling. EPA expects that these data gaps will be implemented by the LWG as part of the Round 3B sampling effort. EPA also recognizes that additional stormwater characterization may be required as part of remedial design (e.g., to support a recontamination evaluation). Therefore, prior to the implementation of any additional stormwater sampling, EPA, DEQ and the LWG will meet to determine whether the proposed data collection efforts are primarily a source control data collection effort, an in-water RI/FS data collection effort or an RD/RA data collection effort.

EPA believes that the sampling program developed jointly by EPA, DEQ and the LWG will go a long ways towards improving our understanding of the contribution of stormwater contaminants to the Portland Harbor, support the food web and contaminant fate and transport models and determine the need for source control measures aimed at the stormwater migration pathway. We look forward to continuing our collaborative efforts to ensure that the sampling takes place during the 2006/2007 water year.

Thanks, Eric